



IN THE UNITED STATES RECEIVING OFFICE

In re Application of

Date: March 17, 2006

TIMOTHY PIUMARTA and JEREMY FOX

Application No. : 10/780,918

Group Art Unit 1771

Filed : February 17, 2004

For : GRIP TAPE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Declaration of Robert A. Denike Under 37 C.F.R. 1.132

I, Robert A. Denike, declare:

1. I am President of NHS Inc., a California corporation located in Santa Cruz, CA .
2. I have a B.A. in Industrial Management from Cal Poly San Luis Obispo.
3. I have 32 years of experience in the application of grip tapes to skateboards, and 20 years experience in the sales and marketing of grip tape for skateboards, and over 10 years experience in the design and process of manufacturing of grip tapes.
4. I have studied the patent application Ser. No. 10/780,819 and the claims pending therein. NHS makes and sells a commercial embodiment, known as Mob Grip tape, of the invention recited in the claims.
5. In my opinion the following results have been produced by the features of Mob Grip tape that are recited in the claims:
  - a. Mob Grip has enjoyed great commercial success since NHS introduced it to the marketplace in 2004. After only two years of sales, Mob Grip tape has risen to be regarded as the second-best-selling grip tape for skateboards worldwide.

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b. Mob Grip tape provided the first successful solution to a long felt need for a grip tape that did not suffer from bubbling on installation. Grip tapes have been made and applied to skateboards for at least thirty years, and used in other applications for longer than that. In skateboard and other applications, bubbling has been a problem, yet no manufacture provided the solution recited in the claims and embodied in Mob Grip tape.

c. After NHS introduced Mob Grip tape to the marketplace, at least two makers of grip tape began selling tapes that incorporated the features that are recited in the claims to the invention.

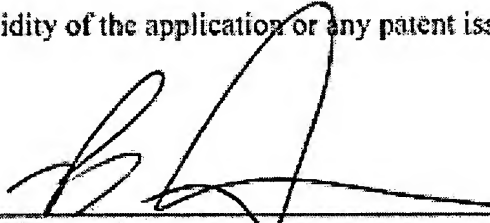
d. My knowledge of the problem of air bubbles in grip tape and Mob Grip tape's solution of that problem comes from both my personal knowledge and from a survey conducted by NHS of a sample of the retail stores that sell Mob Grip to end users conducted by NHS. The result of the survey was that the overwhelming majority of survey respondents acknowledged the problem of grip tape's bubbling on installation and that Mob Grip tape solved this problem.

e. In my experience in the industry, I have also noted the major suppliers of grip tapes for skateboard application have never addressed the problem of bubbles in the application process, nor offered any product to the skateboard industry to solve this problem. For more than 3 decades any person, be it a store owner or an end user, when encountering bubbles in a grip tape application had only two choices: (1) to take a sharp pin object and poke perforations through the bubbles in the tape, and one by one squeeze the air out of the bubble in order for the tape to contact the board surface completely and securely, or (2) to remove the tape and re-apply. Removal and reapplication in my 32 years of experience

had a very high degree of failure, with either the tape ripping apart on removal, or deforming in such a way as to not be uniform to re-apply. This failure would result in the discarding of the tape and trying again with a new piece, at a cost to the store owner or end user.

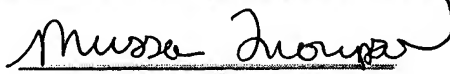
6. I declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code. I understand that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3.17.06

  
Robert A. Denike


**CERTIFICATE OF MAILING**

I hereby certify that this declaration is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 17, 2006.

  
Merissa R. Thompson

Respectfully submitted,

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